

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

M. ELIZABETH BRODERICK, et al., §  
§  
Plaintiffs, §  
v. § Civil Action No. 3:08-CV-1075-L  
§  
WARDEN ELAINE CHAPMAN, et al., §  
§  
Defendants. §

**ORDER**

This is a purported class action brought by prisoners currently incarcerated in the Carswell Federal Medical Center in Forth Worth, Texas, alleging claims pursuant to 28 U.S.C. § 1983; the Lanham Act, 15 U.S.C. § 1051, *et seq.*; and the Foreign Sovereign Immunities Act, 28 U.S.C. § 1603. Pursuant to 28 U.S.C. § 636(b), and an order of the court in implementation thereof, this action was referred to the United States magistrate judge for proposed findings and recommendation. On August 12, 2008, the Findings, Conclusions and Recommendation of the United States Magistrate Judge were filed. Plaintiffs filed objections on August 22, 2008.\*

The magistrate judge found that this case should be transferred to the Fort Worth division of the Northern District of Texas, pursuant to 28 U.S.C. § 1404(a) for the convenience of parties and witnesses. Plaintiff M. Elizabeth Broderick and Lily Schmidt make several objections.

The court need not specifically address each of these objections because it determines, *sua sponte*, that transfer is not justified. Plaintiffs have named as Defendants both district judges from

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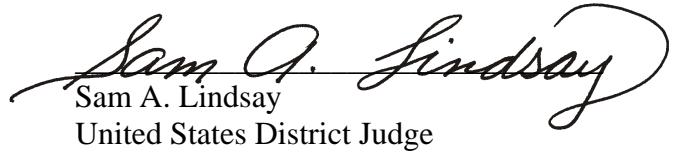
\*The objections are filed “by and through lead Plaintiff, M. Elizabeth Broderick.” Each Plaintiff in this action is proceeding *pro se*, and Ms. Broderick is not an attorney. She cannot, therefore, file objections or represent any Plaintiff except herself. Accordingly, the court considers these objections made only on behalf of Ms. Broderick. The court also received a document, filed August 25, 2008, from Plaintiff Lily Schmidt.

the Fort Worth Division of the Northern District of Texas. Accordingly, even though transfer might be appropriate because Plaintiffs are located in Fort Worth and complain about their treatment at the Carswell Medical Center, which is located in Fort Worth, the court determines that the case should not be transferred because there is no judge in Fort Worth to hear the case.

Accordingly, the court **overrules as moot** each of Plaintiffs' objections and determines the transfer of this case is unwarranted. Having reviewed the pleadings, file and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions are, therefore, incorrect. The magistrate judge's findings and conclusions are therefore **rejected**.

Plaintiff Broderick also makes two other requests in her objections. She seeks a hearing to determine venue and a thirty-day stay so that Plaintiffs may retain counsel. The court, having decided not to transfer this case, **denies** her request for a hearing. The court **denies as moot** her request for a thirty-day stay because there is no scheduling order in this case, and Plaintiff has ample time to obtain counsel to appear on her behalf and others.

**It is so ordered** this 4th day of September, 2008.



Sam A. Lindsay  
United States District Judge